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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/661,121 | 09/13/2000 | Dr. Helmut Michele | | 7724 |
| 20741 | 7590 | 10/06/2003 | EXAMINER | |
| HOFFMAN WASSON & GITLER 2361 JEFFERSON DAVIS HIGHWAY SUITE 522 ARLINGTON, VA 22202 | | | VO, ANH T N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2861 | |
| DATE MAILED: 10/06/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/661,121

Applicant(s)

HELmut ET AL.

Examiner

Anh T. N. Vo

Art Unit

2861



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Dec 27, 2000

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5, 8, and 10-12 is/are rejected.

7) Claim(s) 6, 7, 9, and 13 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6

6) Other: _____

DETAILED ACTION

Acknowledgement is made of the receipt of Preliminary Amendment filed 27 December 2000.

Information Disclosure Statement

The references cited on the PTO 1449 form have been considered.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5, 8 and 10-12 are rejected under 35 USC 102 (a) as being anticipated by Hosaka et al. (JP Pat. 08300673).

Hosaka et al. disclose in Figures 1-7 an ink cartridge comprising:

- a ventilation aperture (16);
- a said sealing part (17 or 27) for sealing the ventilation aperture having a cylindrical stopper (17a or 27a) that is made of an elastically deformable material and can be inserted into a passageway (16 or 26), which has in its surface shell at least one axially continuous, channel-like depression (18 or 28), for which the outside diameter in an unstressed state is oversized in comparison with the inside diameter of the passageway (16);
- wherein said sealing part (17) is a formed plastic part;
- the sealing part (17) is an injection-molded part;
- the channel-like depression (28) has a V-shaped cross section and/or an U-shaped cross section (Figure 4);
- a head section with a larger diameter is formed axially onto said stopper as one piece;
- said passageway is located in a wall of a container (11); and
- said container (11) is an ink tank of an inkjet printer ink cartridge.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These prior art references (US Pat. 3,953,862, US Pat. 5,949,461, US Pat.

6,273,562) cited in the PTO 892 form show a vent plug which is deemed to be relevant to the present invention. These references should be reviewed.

Allowable Subject Matter

Claim 6 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. This claim would be allowable because none of the prior art references of record discloses a sealing part comprising the stopper having a plurality of depressions which is distributed symmetrically around its circumference in the combination as claimed.

Claim 7 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. This claim would be allowable because none of the prior art references of record discloses a sealing part comprising a discharge section which is formed axially onto the stopper and has a larger outside diameter than the stopper, in which the channel-like depression passes axially through said discharge section in the combination as claimed.

Claim 9 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. This claim would be allowable because none of the prior art references of record discloses a sealing part comprising the head section which is formed axially onto the discharge section and is at least as large in diameter as the latter in the combination as claimed.

Claim 10 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. This claim would be allowable because none of the prior art references of record discloses a sealing part comprising said stopper is ultrasonically welded in the passageway in the combination as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (703) 305-8194. The examiner can normally be reached on Tuesday to Friday from 8:00 A.M.to 5:00 P.M.. The fax number of this Group 2861 is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



ANH T.N. VO
PRIMARY EXAMINER
September 25, 2003